



**Public Service Association of NSW**

# **PSA BY-LAWS**

**As at July 2008**

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# BY-LAWS OF THE PUBLIC SERVICE ASSOCIATION OF NSW

As at December 11, 1995

## Chapter A

### Conduct of Business at Meetings

In pursuance of the powers conferred on it by Rule 40(i) the Central Council of the Public Service Association of New South Wales hereby makes the following By-Laws for the conduct of business at meetings of the Central Council and of the Association:

#### ORDER AND INTRODUCTION OF BUSINESS

1. Notice of any Central Council Meeting shall be given by the General Secretary to each member of the Central Council at least three days before such meeting and such notice shall specify:
  - (a) The day and date, hour and place of meeting;
  - (b) The nature of such meeting, i.e. whether ordinary or special;
  - (c) The business to be dealt with at such meeting.

Notice shall be deemed to have been given in accordance with this By-Law if it is posted to the member to whom it is addressed in time for delivery at their usual office two days before the day of the meeting.

The meeting notice shall include reference to specific items of business received not less than ten days before the meeting and may indicate other items received before the forwarding of the notice.

Additional items may be placed on a supplementary agenda for distribution to Councillors prior to the opening of the meeting.

2. (a) At meetings of Central Council the order of business shall be as follows:
  1. Opening of Meeting by Chairperson
  2. Acceptance of Credentials and Apologies
  3. Confirmation of Minutes of Previous Meeting
  4. Business arising from the Minutes
  5. Motions of which due notice has been given

6. Arbitration
  7. General Secretary's report on Executive business, including the report under Rule 48, and other matters of importance introduced by the General Secretary
  8. Matters concerning the Associates' Groups
  9. Question Time (not to exceed twenty minutes)
  10. Association Organisation
  11. Other Matters which have been Notified in Writing to the General Secretary
  12. General Business
- (b) Under the item "Confirmation of Minutes" no discussion shall be allowed except as to the accuracy of the Minutes as a record of the proceedings, and when confirmed, such Minutes shall be signed by the Chairperson of the Meeting.
  - (c) The item "Business Arising from the Minutes" shall include the consideration of matters arising out of instructions, etc., at former Meetings, other than matters listed elsewhere on the agenda.
  - (d) Motions of which due notice has been given shall be taken in the order in which the written notice of motion was given.
  - (e) The item "Arbitration" shall include consideration of awards, wages and salaries, allowances, leave, hours, industrial coverage and similar subjects. The first matters for consideration under this item shall be the General Secretary's reports on arbitration.
  - (f) The first matter for consideration under the item "General Secretary's Report on Executive Business" shall be the general report under Rule 48, the second item shall be the report on Finance (including the financial statements) and the third item shall be any report on Staffing matters.
  - (g) The item "Association Organisation" shall include election of Committees, etc., and consideration of matters concerning the Rules, By-Laws, Affiliations, and Association Administration.
  - (h) Items 6 to 8 and 10 to 12 shall each include reports, correspondence, requests of the Women's Council and of Industry and Advisory Groups and questions concerning the relevant subject.
  - (i) Where the Chair is of the opinion that a supplementary item is closely related to a matter in the Notice of Meeting the Chair may recommend that it be considered in conjunction with the matter in the Notice, and unless the Council otherwise decides it shall be considered at that time.

3. The President may at any stage present any report from the President or the Executive and such report shall, unless otherwise ordered by a vote of the majority of the members present and entitled to vote at any meeting, take precedence over all other business.
4. Any recommendation by the Executive shall be deemed to be the motion except in respect to notices of motion.
5. A matter of urgency may be submitted at any stage of the proceedings of the Central Council, provided that the member of the Central Council bringing such business under the notice of the Central Council shall specify the nature of the business in writing to the General Secretary, when the Chair shall state the question, and, without discussion, take a vote as to whether such member be heard.
6. A matter of urgency may be submitted at Conference by written notice to the General Secretary, signed by at least five members of Conference, and specifying the nature of the business.

All such notices received up to thirty minutes after the time set down for the commencement of each session of the Conference shall be taken up by the Chair at the conclusion of any matter, then before the Conference. The Chair shall advise the Conference of each of the notices and shall then without discussion put each notice separately to a vote of the Conference, in the order in which the notices were received, to determine whether the Conference approves of dealing with the matter.

Every matter which receives the approval of two-thirds of the delegates present as required by Rule 70, shall be dealt with at that session or at such other time as the Conference determines.

7. Except where otherwise provided, all notices of motion for any meeting shall be in writing, and shall be in the hands of the General Secretary, in the case of Central Council meetings ten clear days before the date of the meeting.

### **MOVING AND SECONDING**

8. If so requested by the Chair, every motion or amendment shall be reduced to writing by the proposer, and must be seconded by some other member before being taken into consideration.
9. In the absence of a member who has placed a notice of motion on the business paper for any meeting, any other member may, at such meeting, move the same, or such motion may be deferred until the next ordinary meeting.
10. Any member having submitted a motion or an amendment may withdraw it with the consent of the seconder before it is debated; but if it shall have been

debated, the consent of the meeting must be obtained to withdraw such motion or amendment.

### **AMENDMENTS**

11. Every amendment must be relevant to the motion upon which it is moved and be framed so as to form therewith an intelligible and consistent sentence.
12. An amendment destroying or altering the intention of a motion, other than a direct negative, shall be in order, but an amendment relating to a different subject shall not be in order.
13. Only one amendment shall be discussed at the one time. If an amendment is lost any further amendment to the original question may be moved. If an amendment is carried the motion as so amended shall become the original question, to which any further amendment may be moved.
14. The mover of an amendment shall not have the right of reply.

### **SPEAKING**

15. When more than one member rises at the same time to speak, the Chair shall decide who shall be heard.
16. Unless where otherwise provided, a member may speak once only, and not for longer than five minutes on any question, except the mover of a resolution, who shall have ten minutes to introduce the subject and five minutes for reply. Provided that a meeting may by resolution (which shall be put without debate) extend the time allowed to a speaker. Within one minute from the expiry of the speaker's time the Chair shall sound the gong once, and at the conclusion of the time sound the gong twice, when the member must cease speaking.

Unless a member speaks against a motion, no further debate shall take place.

17. Any member moving or seconding a resolution, or any amendment thereto, proforma, shall be held to have spoken on the question.
18. New matter must not be introduced by the mover of a motion when replying.
19. A member, when speaking, shall stand, address the Chair, and keep to the question under consideration, avoiding personalities or unbecoming language.
20. When any member is speaking no one shall interrupt, except to raise a point of order. Explanations may be allowed when the member speaking has finished, but only to explain an actual misunderstanding or mis-statement, and the member making such explanation shall be prohibited from debating the merits of any proposal.

21. Any member requesting information or wishing to ask a question at a meeting shall do so through the Chair.
22.
  - (a) Any meeting of the Central Council or of the Association either before proceeding to consider any matter, or during the consideration of such matter, may, on motion to that effect, resolve itself into Committee of the whole for consideration of such matter.
  - (b) Such motion may be moved without notice, and, on being seconded, shall be put to the meeting without debate.
  - (c) The meeting shall be deemed to be in Committee only during the consideration of the matters specified in the motion.
  - (d) While in Committee there shall be no limit to the number of times a member may address the Chair, but a member shall not speak for more than five minutes.

### **PROCEDURE**

23. When any question is before one of the meetings forming part of a General Meeting of the Association no motion shall be received unless:
  - (a) To extend the time of the meeting.
  - (b) To dissent from the Chair's ruling.
  - (c) To deal with the conduct of a member who has been named by the Chair.
  - (d) To extend the time allowed a speaker.
  - (e) To go into or come out of committee of the whole.
  - (f) To adjourn the meeting to another place.
  - (g) The question to be now put.
  - (h) To turn on or turn off the landline.

These motions shall have precedence in the order listed. The motions referred to in (a) and in (d) to (h) shall be put without debate.

24. When any question is before Conference, Executive or Central Council, no motion shall be received unless:
  - (a) To extend the time of the meeting.
  - (b) To temporarily suspend the operation of any By-Laws.

- (c) To dissent from the Chair's ruling.
- (d) To deal with the conduct of a member who has been named by the Chair.
- (e) For permission to withdraw a motion or amendment.
- (f) To extend the time allowed a speaker.
- (g) To go into or come out of Committee of the whole.
- (h) To adjourn.
- (i) The question to be now put.
- (j) To lay a motion on the table.
- (k) To postpone for a given time or until a given event.
- (l) To amend.
- (m) To refer.
- (n) To proceed to the next business.

These motions shall have precedence in the order listed. The motions referred to in (a) and in (e) to (k) inclusive shall be put without debate.

25. (a) A motion of censure or reprimand or other motion of a disciplinary or punitive nature against a member, officer or employee of the Association concerning their conduct as a member, officer or employee shall not be considered except:
- (i) according to Rules 104, 106 or 146, or
  - (ii) as an amendment to or foreshadowed motion arising from a motion for the dismissal or removal from office of that person which has been dealt with according to the relevant Rule, or
  - (iii) according to By-Law 34, or
  - (iv) according to paragraph (b) of this By-law.
- (b) Where a motion is to be considered according to this paragraph:
- (i) the motion shall specify the conduct complained of;
  - (ii) notice of the motion shall be given in the notice of the meeting; and

- (iii) the person who is the subject of the motion shall receive at least seven days notice in writing of the motion and the meeting, shall be entitled to attend the meeting when the motion is considered, shall be entitled to speak in their own defence immediately after the mover and to speak in reply immediately before the motion is put.
- (c) A motion of no confidence in or requiring or requesting the resignation of any member, officer or employee of the Association in respect of their membership of or office in or employment by the Association shall not be considered unless the provisions of a relevant rule for expulsion, dismissal or removal from office are complied with.
- (d) A motion expressing disagreement with or disapproval of any action or policy of a member, officer or employee of the Association shall not contain the terms "no confidence" or "censure", shall not be taken to impute any censure, reprimand or lack of confidence and shall be dealt with according to the ordinary rules of debate.
- (e) Nothing in this by-law shall affect the rights, duties or powers of the Executive, President or General Secretary under Rule 50 or Rule 55.

### **ORDER OF MEETINGS**

- 26. It shall be the duty of the Chair to preserve order so that the business may be conducted in due form and with propriety. The member in the Chair shall have the same right of speaking on any question under discussion as other members and without leaving the Chair.
- 27. It shall be the duty of the Chair to call to order a speaker who violates any rule of debate and the privilege of any member to raise a point of order.
- 28. A member rising to a point of order shall state such point and then resume their seat; the Chair shall thereupon decide the point raised.
- 29. When a point of order is raised any member speaking shall take their seat until the point is decided.
- 30. Questions of order shall be decided by the Chair, whose ruling shall be final unless challenged by a motion of dissent.
- 31. A motion of dissent shall not be accepted by the Chair unless at least three members rise in their place in support of same. Only the member challenging the ruling and the member who made the ruling may speak to a motion of dissent.
- 32. The Chair may call the attention of a meeting to continued irrelevance or tedious repetition on the part of a member, and may, with the approval of the meeting, direct such member to discontinue their speech.

33. The question of whether a member shall discontinue their speech shall be decided without debate.
34. If any member be guilty of disorderly or improper conduct, the Chair shall first caution them, and, if they persist name them to the meeting, and they shall be censured or suspended from the meeting as the members present may decide, or otherwise dealt with as provided by the Rules.
35. If any meeting be disorderly and persists in disorder, the Chairperson shall have the right to leave the Chair, and the meeting shall thereupon adjourn, or to take all or any such steps as it may deem desirable in the interests of the Association. Any action taken under the provisions of this By-Law shall be reported to the General Secretary and presented to the Executive, within ten days after the date of the meeting.

### **VOTING AT MEETINGS**

36. Voting at all meetings except General Meetings of the Association shall be on the voices, but a show of hands shall be taken if demanded. A division shall be taken if required by not less than five members at Central Council and thirty members at Conference.
37. The names of those voting for or against any motion, amendment or other matter, shall not be recorded unless so directed by the Chair, or unless a division be taken.
38. When a division is taken the following shall be the procedure:
  - (a) All doors of the meeting room shall be closed and all members entitled to vote and present shall vote.
  - (b) Two tellers representing the "Ayes" and two tellers representing the "Noes" shall be appointed and the tellers shall record the names for and against the motion.
  - (c) If any member entitled to vote so requests at the conclusion of the recording of votes by the tellers, the names of all members voting and the manner in which they voted shall be read to the meeting by the General Secretary. If any member voting is not satisfied that their name has been recorded correctly, they may direct the attention of the Chair to this fact in order to have the record corrected.
39. Any matter may be recommitted, upon a two-thirds majority of the members present voting in favour of such committal.

## **ATTENDANCE AT MEETINGS**

40. Members of the Central Council shall record their presence at meetings of the Central Council by signing an attendance book. The book shall be placed by the General Secretary in a convenient position at each meeting of the Central Council.
41. A member shall not leave the meeting before the conclusion of the business if there is likelihood of the quorum being interfered with.
42. Each session of Central Council shall terminate not later than 9.30 pm unless the time thereof be extended by a resolution of Central Council in that regard.
43. Any member of Central Council wishing to leave any session of the Council before its termination, or 8.30 pm, whichever is the earlier, shall seek the leave of the Chair to do so.

## **BALLOTS**

44. When any question is recommitted for determination by all members of the Association under Rule 78, the procedure laid down in the Rules for ballots in connection with elections shall as far as possible, be followed.

## **BY-LAWS**

45. These By-Laws may be temporarily suspended by a motion supported by five members and carried by a majority of two-thirds of the members present at any meeting.
46. Any business dealing with the alteration or repeal of these By-Laws, shall not be decided at a meeting of the Central Council, unless particulars of such proposed business shall have been fully set out in the notice of meeting sent to the members of the Central Council.

## **CHARGES**

47. The following procedure is set out as a guide to the Executive or Central Council in hearing and determining complaints made under Rule 146, but is in no way mandatory:
  - (i) the member charged is asked whether they plead guilty or not guilty.
  - (ii) the complainant is asked to state their case.
  - (iii) the member charged and the members of the Executive or Central Council may question the complainant.
  - (iv) the complainant may call witnesses in support or other evidence.
  - (v) the member charged and members of the Executive or Central Council may question each witness.

- (vi) the member charged shall answer the case brought against them.
- (vii) the complainant and members of the Executive or Central Council may question the member charged.
- (viii) the member charged may bring witnesses or other evidence.
- (ix) the complainant and members of the Executive or Central Council may question witnesses.
- (x) both the complainant and the member charged will address the Executive or Central Council as to the case each has presented.
- (xi) both the member charged and the complainant withdraw from the meeting whilst the matter is discussed in camera by the Executive or Central Council.
- (xii) after discussion the Executive or Central Council decides whether the member charged is guilty or not guilty, and also decides upon what penalty, if any, should be imposed.

#### **QUORUM**

48. Except where otherwise provided in the Rules the quorum at a meeting of a Committee of the Executive or Central Council shall be:
- (i) Two for a Committee of not more than four members.
  - (ii) Three for a Committee of more than four members and not more than 20 members.
  - (iii) Five for a Committee of more than 20 members.

# BY-LAWS OF THE PUBLIC SERVICE ASSOCIATION OF NSW

As at December 11, 1995

## Chapter B

### The Affairs of the Central Council, its Officers and Servants

In pursuance of the powers conferred on it by Rule 40(i) the Central Council of the Public Service Association of New South Wales hereby makes the following By-Laws for the regulation of the affairs of the Central Council, its officers and servants:

#### STAFF

- B1. Except where otherwise provided by Award, agreement or determination of Central Council, the ordinary time for employees shall be 35 hours per week, to be worked between 9am and 5pm on Monday to Friday and one hour shall be allowed daily for luncheon to be taken at such time between the hours of noon and 2pm as the General Secretary may direct. The General Secretary may, on the request of an employee, approve in special circumstances a variation of the daily commencing and ceasing time of such employee.
- B2. The General Secretary and the Assistant General Secretaries shall, in addition, attend all meetings of the Central Council and the Executive and such other meetings as directed by the President.
- B3. No overtime shall be worked except as directed by the General Secretary.
- B4. Overtime shall be paid for in terms of the Crown Employees' (Overtime) Award. The President may grant special leave to the General Secretary in lieu of work performed outside the ordinary office hours and may, on the recommendation of the General Secretary grant such leave to any other employee not entitled to overtime payment for such work. The Central Council may, in respect of overtime, worked as directed, authorise payment for such amounts as it deems fit to any employee not otherwise entitled to overtime payments for such work.
- B5. Public Service conditions of employment covering meal allowances, travelling allowances, recreation leave, short leave, extended leave and sick leave shall apply to all employees of the Association. Provided that these By-Laws do not operate to the disadvantage of employees covered by any other union.
- B6. The General Secretary shall have authority to approve the payment of staff salary increments. Where, however, an increment is not approved the General Secretary shall report the matter to the next meeting of Central Council following such disapproval.

- B7. Every employee shall obey promptly all instructions given to them by the General Secretary or other members of the staff under whose immediate control or supervision they are placed.

### **ADMINISTRATION**

- B8. The Returning Officer conducting any election for an office within the Association shall take such steps as are necessary to ensure that all ballot papers, envelopes, lists and other documents used in connection with or relevant to an election for an office are preserved and kept at the registered office of the Association for a period of one year after the completion of the election as required by the Industrial Arbitration Act.
- B9. It shall be the duty of the Executive to inspect the books of account, records and statements to ascertain if they are properly kept, and the Committee shall, when deemed necessary, report to the Central Council any act of neglect or inefficiency, of any other matter in the keeping of the accounts which may have been observed.

# BY-LAWS OF THE PUBLIC SERVICE ASSOCIATION OF NSW

As at December 11, 1995

## Laws Chapter C

### The Provident Fund and its Officers and the Conduct of Business of the Provident Fund

In pursuance of the powers conferred on it by Rule 40(p) the Central Council of the Public Service Association of New South Wales hereby makes the following By-Laws for the regulation of the Provident Fund and its officers and for the conduct of business of the Provident Fund:

C1. An Associate or member under Rule 5(i) other than an Associate under Rule 6(e) shall be eligible for membership of the Provident Fund if:

- they have not yet attained their seventieth birthday; and
- they have made written application to the General Secretary seeking to be made eligible, accompanied by proof of age satisfactory to the General Secretary and by not less than one-quarter of the additional amount required for the purposes of membership to that Fund; and
- the General Secretary has certified to the receipt of the application.

Such member shall cease to be eligible upon attaining their seventieth birthday, or ceasing to be a financial member or associate member, or at the expiration of three months' notice in writing to the General Secretary.

- C2. The amount of benefit payable pursuant to Rule 2(t) shall be at the discretion of the Trustees of the Provident Fund but shall not exceed the total sum of \$3,000.00.
- C3. A member may at any time nominate one or more persons to receive the benefit to be paid pursuant to Rule 2(t) and the Trustees shall make the payment in accordance with such nomination provided that the nomination is in writing addressed to the Trustees of the Provident Fund or to the Association and signed by the member.

# **BY-LAWS OF THE PUBLIC SERVICE ASSOCIATION OF NSW**

As at December 11, 1995

## **Chapter D**

### **Industry and Advisory Groups**

In pursuance of the powers conferred on it by Rule 27(d) the Central Council of the Public Service Association of New South Wales hereby makes the following By-Laws to regulate the constitution, powers, duration, terms of appointment, business, meetings and conferences of Industry and Advisory Groups:

## **D1. General By-Law for District Advisory Groups**

- (a) This By-Law shall apply to District Advisory Groups formed under Rule 27 except where Central Council makes provision for a particular Group in another By-Law.

This By-Law shall apply to a Group from the date on which the Group's Charter is issued.

- (b) Any group of twenty five or more members who work within a particular geographical district may be formed into a District Advisory Group.
- (c) Each District Group shall be issued with a Charter by direction of the Executive. The Charter shall identify the resolutions of Central Council or the Executive establishing the Group and approving its Charter or any alterations to the Charter.

The Charter shall specify:

- (i) the title of the Group;
- (ii) the boundaries of the District;
- (iii) such other matters as the Executive thinks fit.

The Charter shall be signed by the President and General Secretary or their delegates. An official copy shall be retained at the Association's office by the General Secretary. A copy shall be issued to the Chairperson, the Vice Chairperson and the Secretary of the Group accompanied by a copy of this By-Law.

Whenever the Charter is altered the copy of the old Charter held by the General Secretary shall be marked as cancelled and copies of the new Charter issued.

- (d) The title of each Group shall be in the form: "The [description of district] District Group of the Public Service Association of NSW."
- (e) (i) The functions of each Group shall be to enquire into, consider and report to and advise the Association upon matters of concern to its members, and to exercise such other functions as may be delegated to it by the Central Council or the Executive.
- (ii) The Group shall not exercise any functions of management required by the Industrial Relations Act of 1991 to be performed by a body comprising persons holding offices in the Association.
- (iii) The Group shall be subject to decisions of the Central Council, Executive and General Meetings and shall comply with any directions given to it by the Executive or Central Council.

NOTE: The provisions of this paragraph are drawn from Rule 27.

- (f) Membership of each Group shall consist of members of the Association whose usual place of work is within the District described in the Charter.

Members who are on Leave Without Pay for a period in excess of three months and are paying a reduced rate of subscription in accordance with Rule 13 shall be entitled to receive information and notices through the Group but not to hold any position in the Group, to attend or vote at any meeting or to nominate or be nominated or vote in any election or ballot.

Unfinancial members shall not be entitled to hold any position, attend or vote at any meeting, nominate or be nominated or vote in any election or ballot or receive any of the rights and benefits of membership in the Group.

NOTE: The provisions of this paragraph limiting the rights of certain members are drawn from rules 13 and 20.

## **DISTRICT COMMITTEE**

- (g) District Group Meetings shall consist of delegates elected to or ex-officio members of a District Committee.

Each District Committee shall consist of:

- (i) District Delegates elected from Workplace Groups within the boundaries of the Group, each such Workplace Group being entitled to one delegate for every forty members, or uncompleted part thereof, in the Workplace Group.
  - (ii) ex-officio members of the Committee being members of the Executive and Central Council who are in the District Group, and the President of the Association.
- (h) The position of a member of the District Committee (other than an ex-officio member) shall become vacant if the member:
- (i) Resigns the position by notice in writing;
  - (ii) Dies or becomes of unsound mind;
  - (iii) Ceases to be a financial member of the Association;
  - (iv) Ceases to be in the Workplace Group which elected them;
  - (v) Is absent from 3 consecutive meetings of the District Committee without apology.

## MEETINGS

- (g) An Annual Meeting of each District Committee shall be held in the month of February, unless the Association's Executive has authorised otherwise.

The order of business at the Annual Meeting shall be:

- (i) Apologies
- (ii) Confirmation of previous Annual Meeting minutes.
- (iii) Report on behalf of the Steering Committee.
- (iv) Conduct of any necessary elections including the appointment of a Returning Officer to conduct the elections.
- (v) Correspondence.
- (vi) Reports.
- (vii) Motions of which notice has been given.
- (viii) General Business.

- (j) Ordinary Meetings of the District Committee shall be held whenever thought necessary by the District Committee or Steering Committee or called by the Association's President.

The order of business for every Ordinary Meeting shall be:

- (i) Apologies.
- (ii) Confirmation of Minutes.
- (iii) Business arising out of minutes.
- (iv) Reports.
- (v) Correspondence.
- (vi) Motions of which notice has been given.
- (vii) General Business.

- (k) A Special Meeting of the District Committee shall be convened by the Secretary on receipt of a requisition stating the reason for the meeting or of a direction of the Association's President. A requisition must be signed by enough delegates to constitute a quorum at a Special Meeting.

The meeting shall be held within 21 days of the requisition being received.

The notice of the meeting must quote the reason given in the requisition and the order of business will be:

- (i) Apologies.
- (ii) Discussion of the matter referred to in the requisition.

- (l) The date, time and place of any General Meeting may be fixed by the Steering Committee, or in the absence of a Steering Committee decision may be fixed by the Chairperson and Secretary.

Notice of any Meeting may be given in the manner specified in the Charter, but if there is no specified provision then:

notice shall be given by circular posted to all delegates;

at least twenty-eight days notice shall be given of the Annual Meeting;

at least seven days notice shall be given of an Ordinary or Special Meeting.

An Ordinary or Special Meeting may be reconvened at not less than twenty-four hours notice to consider reports and recommendations relating to the matters dealt with. The decision to reconvene a Meeting may be made by the Meeting, the Steering Committee or the Association's Executive.

- (m) If a District Committee has seventy-five or more members the quorum for all Meetings shall be fifteen. If there are less than seventy-five members the quorum shall be one fifth of the number of delegates.

Should a quorum not be present at Meetings within thirty minutes of the time appointed for the commencement of the meeting it shall lapse except for the Annual Meeting which shall stand adjourned until the same day and time in the next week.

## **COMMITTEE**

- (n) Each District Committee shall elect a Steering Committee consisting of:

- (i) A Chairperson;
- (ii) A Vice Chairperson (or more than one Vice Chairperson if that is specified in the Charter);
- (iii) A Secretary;
- (iv) One or more Assistant Secretaries if that is specified in the Charter;
- (v) Such other Steering Committee members as are specified in the Group's Charter.

- (o) The members of the Steering Committee shall be elected by ballot of members in attendance at the Annual Meeting. The ballot shall be conducted by a Returning Officer who is not a candidate for election to the Committee. The Returning Officer shall be elected at the Annual Meeting.

Every candidate for election shall be nominated and seconded and shall consent to their nomination.

- (p) Duties of Members of the Steering Committee:

- (i) Chairperson:

The Chairperson of the District Committee shall preside at all meetings of the Steering Committee and District Committee. The Chairperson

shall also be ex officio member of all committees of the District Committee.

Subject to any directions of the Executive or Central Council or the Steering Committee or the District Committee the Chairperson shall interpret this By-Law and the Charter and shall determine any matter where the By-Law and Charter are silent, in accordance with the Rules and By-Laws of the Association.

(ii) Vice Chairperson:

The Vice Chairperson shall exercise the powers and perform the duties of the Chairperson in the absence of the Chairperson. If there is more than one Vice Chairperson this shall be done by a Vice Chairperson nominated by the Steering Committee. The Vice Chairperson shall advise and assist the Chairperson in the performance of their duties.

(iii) Secretary:

The Secretary shall perform all duties usually connected with such office under the direction of the Steering Committee and in conformity with this By-Law.

The Secretary shall forward to the General Secretary copies of the Annual Report of the Steering Committee, Notices and Minutes of all District Committee and Steering Committee Meetings.

(iv) Assistant Secretary:

An Assistant Secretary shall assist the Secretary in the performance of their duties.

(v) Committee members:

All Committee members shall assist in the operation of the group, ensure as far as possible that the delegates and members are kept informed of matters affecting the District Committee and the Association and shall bring the concerns of delegates and members to the notice of the Committee.

(vi) If there is no person available and willing to carry out a requirement of this By-Law relating to calling or convening any meeting the President of the Association may appoint a person to do so.

(q) The position of a member of the Steering Committee shall become vacant if the member:

- (i) Resigns the position by notice in writing;
- (ii) Dies or becomes of unsound mind;
- (iii) Ceases to be a financial member of the Association;

- (iv) Ceases to be employed in the District;
  - (v) Is absent from 3 consecutive meetings of the Steering Committee without apology.
  - (vi) ceases to be a member of the District Committee, provided that if a member of the Steering Committee is not re-elected as a member of the District Committee then until the election of the new Steering Committee they shall be entitled to attend meetings of the Branch as a non voting member and shall have all the rights and duties of a member of the District Committee (except that they shall have no right to vote, or nominate or be nominated for a position on the Steering Committee) and they shall continue to have all the rights and duties of their position on the Steering Committee including the right to attend and vote at Steering Committee meetings.
- (r) The Steering Committee shall meet as required at a date, time and place specified by the Steering Committee or agreed by the Chairperson and Secretary.

A Special Meeting of the Steering Committee shall be convened by the Secretary on receipt of a requisition stating the reason for the meeting or of a direction of the Association's President. A requisition must be signed by enough members of the Steering Committee to constitute a quorum. The meeting shall be held within 21 days of the requisition being received.

Reasonable notice by telephone or written communication shall be given of each meeting.

The order of business at meetings of the Steering Committee shall be:

- (i) Apologies.
  - (ii) Confirmation of Minutes.
  - (iii) Business arising out of minutes.
  - (iv) Reports.
  - (v) Correspondence.
  - (vi) Motions of which notice has been given.
  - (vii) General Business.
- (s) (i) The Steering Committee can arrive at any decision within its powers by vote or meeting conducted by telephone or teleconference.
- (ii) Any such vote shall have the same affect as any other vote or resolution of the Steering Committee.
- (iii) Twenty four hours notice of any such vote or meeting shall be given.
- (iv) If possible, notification of the agenda for such vote or meeting by lettergram, telex, facsimile transmission or other means but failure to provide such agenda will not invalidate or otherwise affect such vote or meeting.

- (t) The quorum for all Steering Committee meetings shall be:
  - (i) Two for a Steering Committee of not more than four members;
  - (ii) Three for a Steering Committee of more than four members and not more than 20 members;
  - (iii) Five for a Steering Committee of more than 20 members.

Should a quorum not be present at a Steering Committee Meeting within thirty minutes of the time appointed for the commencement of the meeting it shall lapse.

## **MEETING PROCEDURES**

- (u) The minutes of every meeting of the District Committee or Steering Committee, other than the Annual General Meeting, shall be confirmed at the next ordinary meeting of the relevant Committee.

In the absence from any meeting of any member entitled to preside at the expiry of fifteen minutes from the time appointed for commencement the meeting shall elect a chairperson from among its members.

No member shall exercise more than one deliberative vote at any meeting nor shall voting by proxy be permitted.

All questions shall be decided by a majority of votes but should there be an equality of votes on any question, the Chairperson shall have a casting vote in addition to their deliberative vote.

All meetings shall be conducted in accordance with the Rules and By-Laws of the Association.

NOTE: This paragraph includes the provisions of Rules 136,137 and 138.

## **CONTACT WITH THE ASSOCIATION**

- (v) Resolutions carried by the District or Steering Committee other than those relating only to the Group's internal procedures, shall be forwarded in writing to the General Secretary of the Association.
- (w) If the Annual Meeting has not been held within the period allowed, or if the General Secretary has not within one month of that date received the minutes or other advice of the holding of the Annual Meeting and the election of Steering Committee members then all the positions of Steering Committee Member shall become vacant and the group shall be inoperative until the advice is received. The General Secretary shall maintain a list of the former committee members as contact persons.

If a District Committee has been inoperative for at least twelve months or its membership has fallen below twenty-five the General Secretary shall report the fact to the Association's Executive which shall take action to either revive or dissolve the District Committee.

- (x) Any proposed recommendations from the District Committee for any alterations to the Charter shall be considered at an Annual Meeting of the District Committee or at a Special Meeting called for that purpose. At least fourteen days notice of the proposal shall be lodged with the Secretary in writing in either case. Any such proposals shall be included in the notice of the meeting.

## **D2. General By-Law for Vocational Advisory Groups**

- (a) This By-Law shall apply to Vocational Advisory Groups formed under Rule 27 except where Central Council makes provision for a particular Group in another By-Law.

This By-Law shall apply to a Group from the date on which the Group's Charter is issued.

- (b) Any class of twenty-five or more members may be formed into a Vocational Advisory Group. The class may include one or more vocations and may include one or more Departments or employing authorities.
- (c) Each Vocational Group shall be issued with a Charter by direction of the Executive. The Charter shall identify the resolutions of Central Council or the Executive establishing the Group and approving its Charter or any alterations to the Charter.

The Charter shall specify:

- (i) the title of the Group;
- (ii) the constitution of the Group (i.e., which members are included within it);
- (iii) the period within which the Annual General Meeting of the Group shall be held;
- (iv) the positions on the Committee of the Group and the provisions required to ensure reasonable representation of both women and men as required by Rule 27;
- (v) the constitution of any Sub-Group which is entitled to elect a representative or representatives on the Committee;
- (vi) such other matters as the Executive thinks fit.

The Charter shall be signed by the President and General Secretary or their delegates. An official copy shall be retained at the Association's office by the General Secretary. A copy shall be issued to the Chairperson, the Vice Chairperson and the Secretary of the Group accompanied by a copy of this By-Law.

Whenever the Charter is altered the copy of the old Charter held by the General Secretary shall be marked as cancelled and copies of the new Charter issued.

- (d) The title of each Group shall be in the form: "The [description of vocation] Vocational Group of the Public Service Association of NSW."
- (e) The functions of each Group shall be:

- (i) to enquire into, consider and report to and advise the Association upon matters of concerns to its members, and to exercise such other functions as may be delegated to it by the Central Council or the Executive.

The Group shall not exercise any functions of management required by the Industrial Relations Act of 1991 to be performed by a body comprising persons holding offices in the Association.

- (ii) The Group shall be subject to decisions of the Central Council, Executive and General Meetings and shall comply with any directions given to it by the Executive or Central Council.

NOTE: The provisions of this paragraph are drawn from Rule 27.

- (f) Membership of each Group shall consist of members of the Association who are employed in the vocation described in the Charter.

Members who are on Leave Without Pay for a period in excess of three months and are paying a reduced rate of subscription in accordance with Rule 13 shall be entitled to receive information and notices through the Group but not to hold any position in the Group, to attend or vote at any meeting or to nominate or be nominated or vote in any election or ballot.

Unfinancial members shall not be entitled to hold any position, attend or vote at any meeting, nominate or be nominated or vote in any election or ballot or receive any of the rights and benefits of membership in the Group.

NOTE: The provisions of this paragraph limiting the rights of certain members are drawn from rules 13 and 20.

## **GENERAL MEETINGS**

- (g) An Annual General Meeting of each Group shall be held within the period of the year specified in the Group's Charter, unless the Association's Executive has authorised otherwise.

The order of business at the Annual General Meeting shall be:

- (i) Apologies
- (ii) Confirmation of previous Annual General Meeting minutes.
- (iii) Report on behalf of the Committee.
- (iv) Conduct of any necessary elections including the appointment of a Returning Officer to conduct the elections.
- (v) Correspondence.
- (vi) Reports.
- (vii) Motions of which notice has been given.
- (viii) General Business.

- (h) Ordinary General Meetings of the Group shall be held whenever thought necessary by the Committee or called by the Association's President.

The order of business for every Ordinary General Meeting shall be:

- (i) Apologies.
  - (ii) Confirmation of Minutes.
  - (iii) Business arising out of minutes.
  - (iv) Reports.
  - (v) Correspondence.
  - (vi) Motions of which notice has been given.
  - (vii) General Business.
- (i) A Special General Meeting of the Group shall be convened by the Secretary on receipt of a requisition stating the reason for the meeting or of a direction of the Association's President. A requisition must be signed by enough financial members to constitute a quorum at a Special General Meeting.

The meeting shall be held within 21 days of the requisition being received.

The notice of the meeting must quote the reason given in the requisition and the order of business will be:

- (i) Apologies.
  - (ii) Discussion of the matter referred to in the requisition.
- (j) The date, time and place of any General Meeting may be fixed by the Committee, or in the absence of a Committee decision may be fixed by the Chairperson and Secretary.

Notice of any General Meeting may be given in the manner specified in the Charter, but if there is no specified provision then:

notice may be given either by advertisement in Red Tape or by circular posted to all members;

at least 28 days notice shall be given of the Annual General Meeting;

at least seven days notice shall be given of an Ordinary or Special General Meeting.

An Ordinary or Special General Meeting may be reconvened at not less than twenty-four hours notice to consider reports and recommendations relating to the matters dealt with. The decision to reconvene a Meeting may be made by the Meeting, the Committee or the Association's Executive.

- (k) Any General Meeting may be held in the form of meetings in a number of locations determined by the Committee. A common vote may be taken on any motion included in the notice of meeting or on any other motion communicated to each meeting by lettergram, telex, facsimile transmission or telephone before the vote is taken. The votes cast at each meeting shall be tallied to determine the decision of the meeting.

- (l) If a Group has seventy-five or more financial members the quorum for all General Meetings shall be fifteen. If there are less than seventy-five financial members the quorum shall be one fifth of the number of members.

Should a quorum not be present at General Meetings within thirty minutes of the time appointed for the commencement of the meeting it shall lapse except for the Annual General Meeting which shall stand adjourned until the same day and time in the next week.

## **COMMITTEE**

- (m) Each Group shall elect:

- (i) A Chairperson;
- (ii) A Vice Chairperson (or more than one Vice Chairperson if that is specified in the Charter);
- (iii) A Secretary;
- (iv) One or more Assistant Secretaries if that is specified in the Charter;
- (v) Representatives elected by Sub-Groups if that is specified in the Charter;
- (vi) Such other Committee members as are specified in the Group's Charter.

- (n) The members of the Committee (other than Sub-Group representatives) shall be elected by ballot of members in attendance at the Annual General Meeting. The ballot shall be conducted by a Returning Officer who is not a candidate for election to the Committee. The Returning Officer shall be elected at the Annual General Meeting.

Committee members elected by Sub-Groups shall be elected either by ballot of members of the Sub-Group in attendance at the Annual General Meeting or by ballot of members attending an Annual General Meeting of the Sub-Group as provided in the Charter. Ballots at Sub-Group meetings shall be conducted by a Returning Officer who is not a candidate for election as a Sub-Group delegate and who is elected at the Sub-Group meeting.

In lieu of the provisions set out above the Charter may provide for the election of some or all of the Committee positions by a postal ballot of members conducted by the Association's Returning Officer. Such a ballot must be completed within the time allowed for the holding of the Annual General Meeting.

The Charter may provide that the positions of Chairperson, Vice-Chairperson, Secretary and Assistant Secretary are to be elected by the Committee from

amongst its members. Any such election shall take place at the first meeting of the Committee after its election.

Every candidate for election shall be nominated and seconded and shall consent to their nomination.

(o) Duties of Members of the Committee:

(i) Chairperson:

The Chairperson of the Group shall preside at all meetings of the Committee and Group. The Chairperson shall also be ex officio member of all committees of the Group.

Subject to any directions of the Executive or Central Council or the Committee or a General Meeting of the Group the Chairperson shall interpret this By-Law and the Charter and shall determine any matter where the By-Law and Charter are silent, in accordance with the Rules and By-Laws of the Association.

(ii) Vice Chairperson:

The Vice Chairperson shall exercise the powers and perform the duties of the Chairperson in the absence of the Chairperson. If there is more than one Vice Chairperson this shall be done by a Vice Chairperson nominated by the Committee.

A Vice Chairperson shall advise and assist the Chairperson in the performance of their duties.

(iii) Secretary:

The Secretary shall perform all duties usually connected with such office under the direction of the Committee and in conformity with this By-Law.

The Secretary shall forward to the General Secretary copies of the Annual Report of the Committee, Notices and Minutes of all General and Committee Meetings.

(iv) Assistant Secretary:

An Assistant Secretary shall assist the Secretary in the performance of their duties.

(v) Committee members:

All Committee members shall assist in the operation of the group, ensure as far as possible that the members by whom they are elected are kept informed of matters affecting the Group and the Association

and shall bring the concerns of those members to the notice of the Committee.

- (vi) If there is no person available and willing to carry out a requirement of this By-Law relating to calling or convening any meeting the President of the Association may appoint a person to do so.
- (p) The position of a member of the Committee shall become vacant if the member:
  - (i) Resigns the position by notice in writing;
  - (ii) Dies or becomes of unsound mind;
  - (iii) Ceases to be a financial member of the Association;
  - (iv) Ceases to be employed in the vocation;
  - (v) If they were elected by a Sub-Group ceases to be a member of that Sub-Group;
  - (vi) Is absent from 3 consecutive meetings of the Committee without apology.
- (q) The Committee shall meet as required at a date, time and place specified by the Committee or agreed by the Chairperson and Secretary.

A Special Meeting of the Committee shall be convened by the Secretary on receipt of a requisition stating the reason for the meeting or of a direction of the Association's President. A requisition must be signed by enough financial members to constitute a quorum. The meeting shall be held within 21 days of the requisition being received.

Reasonable notice by telephone or written communication shall be given of each meeting.

The order of business at meetings of the Committee shall be:

- (i) Apologies.
  - (ii) Confirmation of Minutes.
  - (iii) Business arising out of minutes.
  - (iv) Reports.
  - (v) Correspondence.
  - (vi) Motions of which notice has been given.
  - (vii) General Business.
- (r) (i) The Committee can arrive at any decision within its powers by vote or meeting conducted by telephone or teleconference.
  - (ii) Any such vote shall have the same affect as any other vote or resolution of the Committee.

- (iii) Twenty four hours notice of any such vote or meeting shall be given.
  - (iv) If possible, notification of the agenda for such vote or meeting by lettergram, telex, facsimile transmission or other means but failure to provide such agenda will not invalidate or otherwise affect such vote or meeting.
- (s) The quorum for all Committee meetings shall be:
- (i) Two for a Committee of not more than four members;
  - (ii) Three for a Committee of more than four members and not more than 20 members;
  - (iii) Five for a Committee of more than 20 members.

Should a quorum not be present at a Committee Meeting within thirty minutes of the time appointed for the commencement of the meeting it shall lapse.

### **SUB-GROUPS AND SPECIAL INTEREST GROUPS**

- (t) Sub-Groups may be formed with the approval of the Association's Executive on a geographical or other basis.

If Sub-Groups are entitled to elect representatives to the Committee then every member must be included in a Sub-Group and their constitution must be specified in the Charter.

- (u) Special Interest Groups may be formed on a continuing basis or for a specified period.
- (v) Sub-Groups and Special Interest Groups shall function in accordance with decisions of the Committee and shall be subject to the decisions of Central Council, Executive and General Meetings and shall comply with any directions given to it by the Executive or Central Council.

All matters raised by Sub-Groups or Special Interest Groups must be referred to the Committee of the Groups before any action is taken on them.

### **MEETING PROCEDURES**

- (w) The minutes of every meeting of the Group or Committee, other than the Annual General Meeting, shall be confirmed at the next ordinary meeting of the Group or Committee.

In the absence from any meeting of any member entitled to preside at the expiry of fifteen minutes from the time appointed for commencement the meeting shall elect a chairperson from among its members.

No member shall exercise more than one deliberative vote at any meeting nor shall voting by proxy be permitted.

All questions shall be decided by a majority of votes but should there be an equality of votes on any question, the Chairperson shall have a casting vote in addition to their deliberative vote.

All meetings shall be conducted in accordance with the Rules and By-Laws of the Association.

NOTE: This paragraph includes the provisions of Rules 136,137 and 138.

## **CONTACT WITH THE ASSOCIATION**

- (x) Resolutions carried by the Group, other than those relating only to its internal procedures, shall be forwarded in writing to the General Secretary of the Association.
- (y) If the Annual General Meeting has not been held within the period allowed, or if the General Secretary has not within one month of that date received the minutes or other advice of the holding of the Annual General Meeting and the election of Committee members then all the positions of Committee Member shall become vacant and the group shall be inoperative until the advice is received. The General Secretary shall maintain a list of the former committee members as contact persons.

If a Group has been inoperative for at least twelve months or its membership has fallen below twenty five the General Secretary shall report the fact to the Association's Executive which shall take action to either revive or dissolve the Group.

- (z) Any proposed recommendations from the Group for any alterations to the Charter shall be considered at an Annual General Meeting of the Group or at a Special General Meeting called for that purpose. Fourteen days notice of the proposal shall be lodged with the Secretary in writing in either case. Any such proposals shall be notified in Red Tape not later than seven days before the meeting and shall be included in the notice of the meeting.

### **D3. General By-Law for Industry Groups (Departmental Committees)**

- (a) This By-Law shall apply to Industry Groups formed under Rule 27 except where Central Council makes provision for a particular Group in another By-Law.

This By-Law shall apply to a Group from the date on which the Group's Charter is issued.

- (b) Any class of twenty-five or more members may be formed into an Industry Group. The class may include members in one or more Departments or employing authorities.
- (c) Each Industry Group shall be issued with a Charter by direction of the Executive. The Charter shall identify the resolutions of Central Council or the Executive establishing the Group and approving its Charter or any alterations to the Charter.

The Charter shall specify:

- (i) the title of the Group;
- (ii) the constitution of the Group (i.e. which members are included within it);
- (iii) the electorates for the Departmental Committee of the Group, the formula to determining the number of delegates to be elected and the provisions required to ensure reasonable representation of both women and men as required by Rule 27;
- (iv) such other matters as the Executive thinks fit.

The Charter shall be signed by the President and General Secretary or their delegates. An official copy shall be retained at the Association's office by the General Secretary. A copy shall be issued to the Chairperson, the Vice Chairperson and the Secretary of the Group accompanied by a copy of this By-Law.

Whenever the Charter is altered the copy of the old Charter held by the General Secretary shall be marked as cancelled and copies of the new Charter issued.

- (d) The title of each Group shall be in the form: "The [title or description of department(s) or employing authority(ies)] Industry Group of the Public Service Association of NSW."
- (e) The functions of each Group shall be:
  - (i) to enquire into, consider and report to and advise the Association upon matters of concerns to its members, and to exercise such other

functions as may be delegated to it by the Central Council or the Executive.

The Group shall not exercise any functions of management required by the Industrial Relations Act of 1991 to be performed by a body comprising persons holding offices in the Association.

- (ii) The Group shall be subject to decisions of the Central Council, Executive and General Meetings and shall comply with any directions given to it by the Executive or Central Council.

NOTE: The provisions of this paragraph are drawn from Rule 27.

- (f) Membership of each Group shall consist of members of the Association who are employed in any department or employing authority described in the Charter.

Members who are on Leave Without Pay for a period in excess of three months and are paying a reduced rate of subscription in accordance with Rule 13 shall be entitled to receive information and notices through the Group but not to hold any position in the Group, to attend or vote at any meeting or to nominate or be nominated or vote in any election or ballot.

Unfinancial members shall not be entitled to hold any position, attend or vote at any meeting, nominate or be nominated or vote in any election or ballot or receive any of the rights and benefits of membership in the Group.

NOTE: The provisions of this paragraph limiting the rights of certain members are drawn from rules 13 and 20.

## **DEPARTMENTAL COMMITTEE**

- (g) Industry Group Meetings shall consist of delegates elected to or ex-officio members of a Departmental Committee.

Each Departmental Committee shall consist of:

- (i) Departmental Delegates elected from the electorates specified in the Charter,
- (ii) A Delegate from each vocational group which has twenty five members or more in the Industry Group.

A vocational group for this purpose may be

- a Vocational Group formed under a relevant By-Law,
- a vocational grouping of members defined in the Industry Group's Charter, or

- a combined group formed by arrangement between two or more vocational groups, as defined above, for the purpose of representation in the Group;
- (iii) ex-officio members of the Committee being members of the Executive and Central Council who are in the Industry Group, and the President of the Association.
- (h) Delegates shall be elected in every odd-numbered year unless Central Council decides otherwise either generally or in any particular case.

Unless alternative provision is made in the Charter of a Group the following provisions shall apply to the election of Departmental Delegates:

- the election shall be by secret postal ballot, conducted by the Association's Returning Officer;
- each election shall be conducted so that it may as far as practicable be concluded within ninety days of the commencement of Annual Conference, but the Returning Officer may fix another timetable which shall be reported to Central Council;
- nominations shall be called for by the Returning Officer by notice in Red Tape;
- the method of voting shall be that provided in Schedule E - First Past the Post Voting - to the Association's Rules;
- the Returning Officer shall report the results of each election to the Central Council.

Vocational Delegates shall be elected in accordance with the provisions applying to the group concerned.

- (i) The position of a member of the Departmental Committee (other than an ex-officio member) shall become vacant if the member:
- (i) Resigns the position by notice in writing;
  - (ii) Dies or becomes of unsound mind;
  - (iii) Ceases to be a financial member of the Association;
  - (iv) Ceases to be in the electorate or Group which elected them;
  - (v) Is absent from 3 consecutive meetings of the Departmental Committee without apology.

Vacancies in the position of Departmental Delegate may be filled by the Departmental Committee.

- (j) Where the number of members in an electorate has grown to such an extent that the electorate would be entitled to elect one or more additional delegates the Executive may approve the election of further delegates.

Where the number of members in an electorate has declined it shall not be necessary for any delegate to vacate their position, but any vacancies from an electorate will not be filled unless the number of continuing delegates is less than the number to which it would be entitled under the formula in the Charter.

## MEETINGS

- (k) An Annual Meeting of each Departmental Committee shall be held within two months of the completion of each election and in the corresponding period of the following year unless the Association's Executive has authorised otherwise.

The order of business at the Annual Meeting shall be:

- (i) Apologies
  - (ii) Confirmation of previous Annual Meeting minutes.
  - (iii) Report on behalf of the Steering Committee.
  - (iv) Conduct of any necessary elections including the appointment of a Returning Officer to conduct the elections.
  - (v) Correspondence.
  - (vi) Reports.
  - (vii) Motions of which notice has been given.
  - (viii) General Business.
- (l) Ordinary Meetings of the Departmental Committee shall be held whenever thought necessary by the Committee, the Steering Committee or called by the Association's President.

The order of business for every Ordinary Meeting shall be :

- (i) Apologies.
  - (ii) Confirmation of Minutes.
  - (iii) Business arising out of minutes.
  - (iv) Reports.
  - (v) Correspondence.
  - (vi) Motions of which notice has been given.
  - (vii) General Business.
- (m) A Special Meeting of the Departmental Committee shall be convened by the Secretary on receipt of a requisition stating the reason for the meeting or of a direction of the Association's President. A requisition must be signed by enough members of the committee to constitute a quorum at a Special Meeting.

The meeting shall be held within 21 days of the requisition being received.

The notice of the meeting must quote the reason given in the requisition and the order of business will be:

- (i) Apologies.
  - (ii) Discussion of the matter referred to in the requisition.
- (n) Notice of any Meeting may be given in the manner specified in the Charter, but if there is no specified provision then:
- notice shall be given by circular posted to all members;
  - at least twenty eight days notice shall be given of the Annual Meeting;
  - at least seven days notice shall be given of an Ordinary or Special Meeting.

An Ordinary or Special Meeting may be reconvened at not less than twenty four hours notice to consider reports and recommendations relating to the matters dealt with. The decision to reconvene a Meeting may be made by the Meeting, the Steering Committee or the Association's Executive.

- (o)
- (i) The Departmental Committee can arrive at any decision within its powers by vote or meeting conducted by telephone or teleconference.
  - (ii) Any such vote shall have the same affect as any other vote or resolution of the Departmental Committee.
  - (iii) Twenty four hours notice of any such vote or meeting shall be given.
  - (iv) If possible, notification of the agenda for such vote or meeting by lettergram, telex, facsimile transmission or other means but failure to provide such agenda will not invalidate or otherwise affect such vote or meeting.
- (p) The quorum for a Departmental Committee shall be three.

Should a quorum not be present at Meetings within thirty minutes of the time appointed for the commencement of the meeting it shall lapse except for the Annual Meeting which shall stand adjourned until the same day and time in the next week.

### **STEERING COMMITTEE**

- (q) Each Departmental Committee shall elect a Steering Committee consisting of:
- (i) A Chairperson;
  - (ii) One or more Vice Chairpersons if that is specified in the Charter;
  - (iii) A Secretary;
  - (iv) One or more Assistant Secretaries if that is specified in the Charter;

- (vi) Such other Steering Committee members as are specified in the Group's Charter.
- (r) The members of the Steering Committee shall be elected by ballot of members in attendance at the Annual Meeting. The ballot shall be conducted by a Returning Officer who is not a candidate for election to the Committee. The Returning Officer shall be elected at the Annual Meeting.

Every candidate for election shall be nominated and seconded and shall consent to their nomination.

- (s) Duties of Members of the Steering Committee:

- (i) Chairperson:

The Chairperson of the Departmental Committee shall preside at all meetings of the Departmental Committee and Steering Committee. The Chairperson shall also be ex officio member of all committees of the Group.

Subject to any directions of the Executive or Central Council or the Steering Committee or Departmental Committee the Chairperson shall interpret this By-Law and the Charter and shall determine any matter where the By-Law and Charter are silent, in accordance with the Rules and By-Laws of the Association.

- (ii) Vice Chairperson:

The Vice Chairperson shall exercise the powers and perform the duties of the Chairperson in the absence of the Chairperson. If there is more than one Vice Chairperson this shall be done by a Vice Chairperson nominated by the Committee.

A Vice Chairperson shall advise and assist the Chairperson in the performance of their duties.

- (iii) Secretary:

The Secretary shall perform all duties usually connected with such office under the direction of the Committee and in conformity with this By-Law.

The Secretary shall forward to the General Secretary copies of the Annual Report of the Committee, Notices and Minutes of all General and Committee Meetings.

- (iv) Assistant Secretary:

An Assistant Secretary shall assist the Secretary in the performance of their duties.

- (v) Committee members:

All Committee members shall assist in the operation of the group, ensure as far as possible that the members by whom they are elected are kept informed of matters affecting the Group and the Association and shall bring the concerns of those members to the notice of the Committee.

- (vi) If there is no person available and willing to carry out a requirement of this By-Law relating to calling or convening any meeting the President of the Association may appoint a person to do so.
- (t) The position of a member of the Steering Committee shall become vacant if the member:
  - (i) Resigns the position by notice in writing;
  - (ii) Dies or becomes of unsound mind;
  - (iii) Ceases to be a financial member of the Association;
  - (iv) Ceases to be a member of the Group;
  - (v) Is absent from 3 consecutive meetings of the Steering Committee without apology.
  - (vi) Ceases to be a member of the Departmental Committee, provided that provided that if a member of the Steering Committee is not re-elected as a delegate then until the election of the new Steering Committee they shall be entitled to attend meetings of the Departmental Committee as a non voting member and shall have all the rights and duties of a member of the Departmental Committee (except that they shall have no right to vote, or nominate or be nominated for a position on the Steering Committee) and they shall continue to have all the rights and duties of their position on the Steering Committee including the right to attend and vote at Steering Committee meetings.
- (u) The Steering Committee shall meet as required at a date, time and place specified by the Steering Committee or agreed by the Chairperson and Secretary.

A Special Meeting of the Steering Committee shall be convened by the Secretary on receipt of a requisition stating the reason for the meeting or of a direction of the Association's President. A requisition must be signed by enough members of the committee to constitute a quorum. The meeting shall be held within 21 days of the requisition being received.

Reasonable notice by telephone or written communication shall be given of each meeting.

The order of business at meetings of the Steering Committee shall be:

- (i) Apologies.

- (ii) Confirmation of Minutes.
  - (iii) Business arising out of minutes.
  - (iv) Reports.
  - (v) Correspondence.
  - (vi) Motions of which notice has been given.
  - (vii) General Business.
- (v) (i) The Steering Committee can arrive at any decision within its powers by vote or meeting conducted by telephone or teleconference.
- (ii) Any such vote shall have the same affect as any other vote or resolution of the Steering Committee.
- (iii) Twenty four hours notice of any such vote or meeting shall be given.
- (iv) If possible, notification of the agenda for such vote or meeting by lettergram, telex, facsimile transmission or other means but failure to provide such agenda will not invalidate or otherwise affect such vote or meeting.
- (w) The quorum for all Steering Committee meetings shall be:
- (i) Two for a Steering Committee of not more than four members;
  - (ii) Three for a Steering Committee of more than four members and not more than 20 members;
  - (iii) Five for a Steering Committee of more than 20 members.

Should a quorum not be present at a Committee Meeting within thirty minutes of the time appointed for the commencement of the meeting it shall lapse.

## **SUB-GROUPS AND SPECIAL INTEREST GROUPS**

- (x) Sub-Groups may be formed with the approval of the Association's Executive on a geographical or other basis.
- (y) Special Interest Groups may be formed on a continuing basis or for a specified period.
- (z) Sub-Groups and Special Interest Groups shall function in accordance with decisions of the Departmental or Steering Committee and shall be subject to the decisions of Central Council, Executive and General Meetings and shall comply with any directions given to it by the Executive or Central Council.

All matters raised by Sub-Groups or Special Interest Groups must be referred to the Departmental or Steering Committee before any action is taken on them.

## **BALLOTS OF MEMBERS**

- (aa) (i) A matter may be submitted for decision by the members in the Group by:
- resolution of the Departmental Committee; or
  - by the Chairperson acting on receipt of a requisition in writing signed by at least one tenth of the financial members in the Group.
- (ii) The resolution or requisition shall specify the motions to be considered, which motions shall specifically define any action to be taken by the members if the motions are adopted.
- (iii) The motions shall be put to a vote of the members in a ballot conducted by the General Secretary adhering as closely as practicable to the procedures provided for election of members of the Departmental Committee.
- (iv) No resolution shall be carried by such a ballot unless at least five per cent of the financial members in the Department have voted.

## **MEETING PROCEDURES**

- (bb) The minutes of every meeting of the Departmental or Steering Committee, other than the Annual General Meeting, shall be confirmed at the next ordinary meeting of the relevant Committee.

In the absence from any meeting of any member entitled to preside at the expiry of fifteen minutes from the time appointed for commencement the meeting shall elect a chairperson from among its members.

No member shall exercise more than one deliberative vote at any meeting nor shall voting by proxy be permitted.

All questions shall be decided by a majority of votes but should there be an equality of votes on any question, the Chairperson shall have a casting vote in addition to their deliberative vote.

All meetings shall be conducted in accordance with the Rules and By-Laws of the Association.

NOTE: This paragraph includes the provisions of Rules 136,137 and 138.

## **CONTACT WITH THE ASSOCIATION**

- (cc) Resolutions carried by the Departmental or Steering Committee other than those relating only to the Group's internal procedures, shall be forwarded in writing to the General Secretary of the Association.

- (dd) If the Annual Meeting has not been held within the period allowed, or if the General Secretary has not within one month of that date received the minutes or other advice of the holding of the Annual Meeting and the election of Steering Committee members then all the positions of Steering Committee Member shall become vacant and the Group shall be inoperative until the advice is received. The General Secretary shall maintain a list of the former Steering Committee members as contact persons.

If a Group has been inoperative for at least twelve months or its membership has fallen below twenty-five the General Secretary shall report the fact to the Association's Executive which shall take action to either revive or dissolve the Group.

- (ee) Any proposed recommendations from the Group for any alterations to the Charter shall be considered at an Annual Meeting of the Departmental Committee or at a Special Meeting called for that purpose. Fourteen days notice of the proposal shall be lodged with the Secretary in writing in either case. Any such proposals shall be included in the notice of the meeting.

## **D4. By-Law for the School Assistants Advisory Group**

### **1. TITLE**

The Group shall be known as the School Assistants Advisory Group of the PSA of NSW.

### **2. FUNCTIONS**

- (a) The functions of the Group shall be to enquire into, consider and report to and advise the Association upon matters of concerns to its members, and to exercise such other functions as may be delegated to it by the Central Council or the Executive.

The Group shall not exercise any functions of management required by the Industrial Relations Act of 1991 to be performed by a body comprising persons holding offices in the Association.

- (b) The Group shall be subject to decisions of the Central Council, Executive and General Meetings and shall comply with any directions given to it by the Executive or Central Council.

### **3. CONSTITUTION**

Membership shall consist of members of the PSA who are employed as School Assistants whether in permanent, temporary or casual capacity in NSW Government schools.

### **4. GROUP COMMITTEES**

The Group Committee shall consist of:

- (i) the Chair,
- (ii) two Vice-Chairs, one of whom shall be a Senior School Assistant and one of whom shall be a School Assistant who is not a Senior School Assistant,
- (iii) the Secretary and
- (iv) two Assistant Secretaries, one of whom shall be a Senior School Assistant and one of whom shall be a School Assistant who is not a Senior School Assistant.

### **5. ELECTIONS**

- (a) Election of the members of the Committee shall be by ballot of members in attendance at the Annual General Meeting.

- (b) The ballot for the election of members of the Committee shall be conducted by a Returning Officer who is not a candidate for elections to the Committee who shall be elected at the Annual Group General Meeting.
- (c) Election of the regional delegates shall be by ballot of members in attendance at the Regional General Meetings of the Sub-Groups held not more than two months before the Annual General Meeting. The Regional General Meetings shall also elect alternate delegates for each region.

The ballot for the election shall be conducted by a Returning Officer elected at each of the Regional Meetings, who is not a candidate for elections as a delegate.

- (d) Nominations shall be made orally at the meeting but may be made in writing if the candidate cannot attend, and nominees must indicate their consent to the nomination.

All candidates must be endorsed by 2 other financial members.

## 6. **VACANCIES**

The position of a member of the Committee shall become vacant if the member:

- (i) Resigns the position by notice in writing;
- (ii) Dies or becomes of unsound mind;
- (iii) Ceases to be a financial member of the PSA of NSW;
- (iv) Ceases to be employed as a School Assistant;
- (v) Where an elected Regional Delegate ceases to be employed as a School Assistant in the region from which they were elected;
- (vi) Is absent from 3 consecutive meetings of the Committee without apology.

## 7. **MEETINGS**

- (a) Committee:

The Committee shall meet as required and as agreed by the Chair and the Secretary. Adequate notice by telephone or any other means is to be given of such meetings.

- (b) General Meetings:

- (i) Ordinary Meetings of the Group shall be held at least once a term and at any time called by the Committee. Fourteen days notice of such meeting will be given by notice to each school.
- (ii) Special General Meetings of the Group shall be convened by the Secretary on the receipt of a requisition signed by Fifteen members. Such meeting shall be held within Twenty One days of such requisition. Seven days notice shall be given by notice to each school. The requisition shall state the reason for the meeting.
- (c) An Annual General Meeting shall be held in October/November at a time and place arranged by the Secretary and Chair. 28 days notice shall be given by notice to each school.

## 8. **QUORUM**

- (a) The quorum for all Committee meetings shall be three (3).
- (b) The quorum for all General Meetings shall be fifteen (15).
- (c) Should a quorum not be present at General Meetings within 30 minutes of the time appointed for the commencement of such meeting the meeting shall lapse except for the Annual General Meeting which shall stand adjourned until the same day and time in the next week.

## 9. **ORDER OF BUSINESS**

- (a) The following shall be the order of business at all meetings of the Committee or of the Group other than Annual General Meetings and Special Meetings called by requisition.
  - (1) Apologies
  - (2) Confirmation of Minutes
  - (3) Business arising out of Minutes
  - (4) Motions of which notice has been given
  - (5) Correspondence
  - (6) Reports
  - (7) General Business.
- (b) The order of business at every Annual General Meeting shall be as follows:
  - (1) Reading of Minutes
  - (2) Presentation of Reports of Secretary
  - (3) Election of Returning Officer
  - (4) Election of members of the Committee
  - (5) Election of Delegates to Schools Departmental Committee
  - (6) Motions of which notice has been given
  - (7) Correspondence

- (8) Reports
  - (9) General Business.
- (c) The order of business at all Special Meetings called by requisition shall be as follows:
- (1) Apologies
  - (2) Discussion of the matter shown on the requisition.

## 10. **DUTIES OF MEMBERS OF THE COMMITTEE**

- (a) Chair:

The Chair of the Group shall preside at all meetings of the Committee and Group. The Chair shall also be ex officio member of all committees of the Group.

- (b) Vice Chair:

In the absence of the Chair a Vice Chair nominated by the Committee shall exercise the powers of the Chair.

- (c) Secretary:

The Secretary shall perform all duties usually connected with such office under the direction of the Committee and in conformity with the By-Law.

- (d) Assistant Secretary:

The Assistant Secretary shall assist the Secretary in the performance of their duties

## 11. **SUB GROUPS & SPECIAL INTEREST GROUPS**

- (a) Sub-Groups and Special Interest Groups shall function in accordance with decisions of the Group Committee and shall be subject to the decisions of Central Council, Executive and General Meetings and shall comply with any directions given to it by the Executive or Central Council.
- (b) All matters raised by Sub-Groups or Special Interest Groups must be referred to the Committee of the Groups before any action is taken on them.

## 12. **SUB GROUPS**

- (a) Sub-Groups shall be formed in each Education Region consisting of members employed within that region.

- (b) Each Sub-Group shall elect three regional delegates and three alternates to attend Advisory Group Meetings at least one of whom shall be a Senior School Assistant and at least one of whom shall be a School Assistant (who are not Senior School Assistants) in accordance with Rule 5 (iii). Wherever possible the delegates should be from different schools.

**13. SPECIAL INTEREST GROUPS**

A Special Interest Group shall be formed of Senior School Assistant members.

**14. MINUTES**

The minutes of every meeting of the Group or Committee shall be confirmed at the next ordinary meeting of the Group or Committee.

**15. INTERPRETATION OF BY-LAW**

Subject to any directions of the Executive or Central Council, the Chair shall interpret this By-Law and shall determine any matter where the By-Law is silent, in accordance with the Rules and By-Laws of the Association.

**16. RESOLUTIONS**

Resolutions carried by the Group, other than those relating only to its internal procedures, shall be forwarded in writing to the General Secretary of the Association.

**16. AMENDMENT OF BY-LAW**

Any proposed recommendations from the Group for any alterations to this By-Law shall be considered at an Annual General Meeting of the Group or at a Special General Meeting called for that purpose. Fourteen days notice of the proposal shall be lodged with the Secretary in writing in either case. Any such proposals shall be notified in Red Tape not later than seven days before the meeting and shall be included in the notice of the meeting.

# **BY-LAWS OF THE PUBLIC SERVICE ASSOCIATION OF NSW**

As at December 11, 1995

## **Chapter E**

### **Associates' Groups**

In pursuance of the powers conferred on it by Rule 29(d) the Central Council of the Public Service Association of New South Wales hereby makes the following By-Laws for the functioning of Associates' Groups:

No By-laws had been made in this Chapter at the 9th of December, 1996.

# BY-LAWS OF THE PUBLIC SERVICE ASSOCIATION OF NSW

As at December 11, 1995

## Chapter F

### Workplace Groups

In pursuance of the powers conferred on it by Rule 30(j) the Executive of the Public Service Association of New South Wales hereby makes the following By-Laws to regulate the constitution, powers, duration, terms of appointment, business, meetings and conferences of Workplace Groups:

- 1 (a) This By-Law shall apply to Workplace Groups formed under Rule 30 except where Central Council makes provision for a particular Group in another By-Law.

This By-Law shall apply to a Group from the date on which the Group's Charter is issued.

- (b) The boundaries of each Workplace Group may be defined by specifying
- one or more workplaces, or
  - a geographical area within which all the workplaces are included in the group, or
  - a geographical area within which all the workplaces except those in certain defined categories are included in the group, or
  - a geographical area within which all the workplaces in certain defined categories are included in the group.
- (c) Each Workplace Group shall be issued with a Charter by direction of the Executive. The Charter shall identify the resolutions of Central Council or the Executive establishing the Group and approving its Charter or any alterations to the Charter.

The Charter shall specify:

- (i) the title of the Group;
- (ii) the boundaries of the Group;
- (iii) the period within which the Annual General Meeting of the Group shall be held;
- (iv) the positions on the Committee of the Group;

- (v) the constitution of any Sub-Group which is entitled to elect a representative or representatives on the Committee;
- (vi) such other matters as the Executive thinks fit.

The Charter shall be signed by the President and General Secretary or their delegates. An official copy shall be retained at the Association's office by the General Secretary. A copy shall be issued to the Chairperson, the Vice Chairperson and the Secretary of the Group accompanied by a copy of this By-Law.

Whenever the Charter is altered the copy of the old Charter held by the General Secretary shall be marked as cancelled and copies of the new Charter issued.

- (d) The title of each Group shall be in the form: "The [description of boundaries] Workplace Group of the Public Service Association of NSW."
- (e) The functions of each Group shall be:
  - (i) to enquire into, consider and report to and advise the Association upon matters of concern to its members, and to exercise such other functions as may be set out in the Association Charter for Workplace Groups or as may be delegated to it by the Central Council or the Executive.

The Group shall not exercise any functions of management required by the Industrial Relations Act of 1991 to be performed by a body comprising persons holding offices in the Association.

- (ii) The Group shall be subject to decisions of the Central Council, Executive and General Meetings and shall comply with any directions given to it by the Executive or Central Council. Persons elected under this By-law may act only in accordance with directions given by Central Council, Executive and General Meetings for the purpose of implementing existing policy of the Association or decisions concerning the Association.

NOTE: The provisions of this paragraph are drawn from Rule 30.

- (f) Membership of each Group shall consist of members of the Association who are attached to the workplaces described in the Charter.

Members who are on Leave Without Pay for a period in excess of three months and are paying a reduced rate of subscription in accordance with Rule 13 shall be entitled to receive information and notices through the Group but not to hold any position in the Group, to attend or vote at any meeting or to nominate or be nominated or vote in any election or ballot.

Unfinancial members shall not be entitled to hold any position, attend or vote at any meeting, nominate or be nominated or vote in any election or ballot or receive any of the rights and benefits of membership in the Group.

NOTE: The provisions of this paragraph limiting the rights of certain members are drawn from rules 13 and 20."

## GENERAL MEETINGS

- (g) An Annual General Meeting of each Group shall be held within the period of the year specified in the Group's Charter, unless the Association's Executive has authorised otherwise.

The order of business at the Annual General Meeting shall be:

- (i) Apologies
- (ii) Confirmation of previous Annual General Meeting minutes.
- (iii) Report on behalf of the Committee.
- (iv) Conduct of any necessary elections including the appointment of a Returning Officer to conduct the elections.
- (v) Correspondence.
- (vi) Reports.
- (vii) Motions of which notice has been given.
- (viii) General Business.

- (h) Ordinary General Meetings of the Group shall be held whenever thought necessary by the Committee or called by the Association's President.

The order of business for every Ordinary General Meeting shall be:

- (i) Apologies.
- (ii) Confirmation of Minutes.
- (iii) Business arising out of minutes.
- (iv) Reports.
- (v) Correspondence.
- (vi) Motions of which notice has been given.
- (vii) General Business.

- (i) A Special General Meeting of the Group shall be convened by the Secretary on receipt of a requisition stating the reason for the meeting or of a direction of the Association's President. A requisition must be signed by enough financial members to constitute a quorum at a Special General Meeting.

The meeting shall be held within 21 days of the requisition being received.

The notice of the meeting must quote the reason given in the requisition and the order of business will be:

- (i) Apologies.
- (ii) Discussion of the matter referred to in the requisition.

- (j) The date, time and place of any General Meeting may be fixed by the Committee, or in the absence of a Committee decision may be fixed by the Chairperson and Secretary.

Notice of any General Meeting may be given in the manner specified in the Charter, but if there is no specified provision then:

notice may be given by

- advertisement in Red Tape or

- circular posted to all members or

- circular distributed to members in the workplace or

- notice displayed on prominent and accessible noticeboards;

- at least 28 days notice shall be given of the Annual General Meeting;

- at least seven days notice shall be given of an Ordinary or Special General Meeting.

An Ordinary or Special General Meeting may be reconvened at not less than twenty-four hours notice to consider reports and recommendations relating to the matters dealt with. The decision to reconvene a Meeting may be made by the Meeting, the Committee or the Association's Executive.

- (k) Any General Meeting may be held in the form of meetings in a number of locations determined by the Committee. A common vote may be taken on any motion included in the notice of meeting or on any other motion communicated to each meeting by lettergram, telex, facsimile transmission or telephone before the vote is taken. The votes cast at each meeting shall be tallied to determine the decision of the meeting.
- (l) If a Group has seventy-five or more financial members the quorum for all General Meetings shall be fifteen. If there are less than seventy-five financial members the quorum shall be one fifth of the number of members.

Should a quorum not be present at General Meetings within thirty minutes of the time appointed for the commencement of the meeting it shall lapse except for the Annual General Meeting which shall stand adjourned until the same day and time in the next week.

## **WORKPLACE COMMITTEE**

- (m) Each Group shall elect:
  - (i) One Workplace Delegate for every forty financial members or part thereof;
  - (ii) Delegates elected by Sub-Groups if that is specified in the Charter;

- (iii) A Chairperson;
- (iv) One or more Vice Chairpersons if that is specified in the Charter);
- (v) A Secretary;
- (vi) One or more Assistant Secretaries if that is specified in the Charter;
- (vii) The Women's Contact elected by and from the women members of the Group;
- (viii) Such other Committee members as are specified in the Group's Charter.

The Workplace Committee shall consist of the members elected under this by-law and ex-officio members of the Committee being members of the Executive and Central Council who are in the Workplace Group, and the President of the Association.

- (n) The members of the Committee (other than Sub-Group representatives) shall be elected by ballot of members in attendance at the Annual General Meeting. The ballot shall be conducted by a Returning Officer who is not a candidate for election to the Committee. The Returning Officer shall be elected at the Annual General Meeting.

Committee members elected by Sub-Groups shall be elected either by ballot of members of the Sub-Group in attendance at the Annual General Meeting or by ballot of members attending an Annual General Meeting of the Sub-Group as provided in the Charter. Ballots at Sub-Group meetings shall be conducted by a Returning Officer who is not a candidate for election as a Sub-Group delegate and who is elected at the Sub-Group meeting.

In lieu of the provisions set out above the Charter may provide for the election of some or all of the Committee positions by a postal ballot of members conducted by the Association's Returning Officer. Such a ballot must be completed within the time allowed for the holding of the Annual General Meeting.

The Charter may provide that the positions of Chairperson, Vice-Chairperson, Secretary and Assistant Secretary are to be elected by the Group from amongst the Workplace delegates. Any such election shall take place at the first meeting of the Committee after its election.

Every candidate for election shall be nominated and seconded and shall consent to their nomination.

- (o) Duties of Members of the Committee:

- (i) Workplace Delegate:

A workplace delegate shall:

Receive and investigate grievances of members of the Group in relation to their employment and refer such matters to a meeting of the Group or to the Workplace Committee, the General Secretary (or the General Secretary's nominee) as the case may require;

Accompany a member of the Group who so requests at any disciplinary or similar interview;

Participate in negotiations with local management as authorised by the Group, and in other negotiations and conferences at which the members of the Group are to be represented;

Promote the objects, policies and decisions of the governing bodies of the Association;

Distribute any publicity, notices, or information from the General Secretary to the members at the workplace;

Recruit new members at the workplace with the aim of obtaining 100 percent union membership;

Maintain regular contact with members of the Group and assist the General Secretary in the accurate maintenance of membership records by notifying changes in the group's membership.

(ii) Chairperson:

The Chairperson of the Group shall preside at all meetings of the Committee and Group. The Chairperson shall also be ex officio member of all committees of the Group.

Subject to any directions of the Executive or Central Council or the Committee or a General Meeting of the Group the Chairperson shall interpret this By-Law and the Charter and shall determine any matter where the By-Law and Charter are silent, in accordance with the Rules and By-Laws of the Association.

(iii) Vice Chairperson:

The Vice Chairperson shall exercise the powers and perform the duties of the Chairperson in the absence of the Chairperson. If there is more than one Vice Chairperson this shall be done by a Vice Chairperson nominated by the Committee.

A Vice Chairperson shall advise and assist the Chairperson in the performance of their duties.

(iv) Secretary:

The Secretary shall perform all duties usually connected with such office under the direction of the Committee and in conformity with this By-Law.

The Secretary shall forward to the General Secretary copies of the Annual Report of the Committee, Notices and Minutes of all General and Committee Meetings.

(v) Assistant Secretary:

An Assistant Secretary shall assist the Secretary in the performance of their duties.

(vi) Committee members:

All Committee members shall assist in the operation of the group, ensure as far as possible that the members by whom they are elected are kept informed of matters affecting the Group and the Association and shall bring the concerns of those members to the notice of the Committee.

(vi) If there is no person available and willing to carry out a requirement of this By-Law relating to calling or convening any meeting the President of the Association may appoint a person to do so.

(p) The position of a member of the Committee shall become vacant if the member:

- (i) Resigns the position by notice in writing;
- (ii) Dies or becomes of unsound mind;
- (iii) Ceases to be a financial member of the Association;
- (iv) Ceases to be attached to a workplace in the Group;
- (v) If they were elected by a Sub-Group ceases to be a member of that Sub-Group;
- (vi) Is absent from 3 consecutive meetings of the Committee without apology.

(q) The Committee shall meet as required at a date, time and place specified by the Committee or agreed by the Chairperson and Secretary.

A Special Meeting of the Committee shall be convened by the Secretary on receipt of a requisition stating the reason for the meeting or of a direction of the Association's President. A requisition must be signed by enough financial members to constitute a quorum. The meeting shall be held within 21 days of the requisition being received.

Reasonable notice by telephone or written communication shall be given of each meeting.

The order of business at meetings of the Committee shall be :

- (i) Apologies.
  - (ii) Confirmation of Minutes.
  - (iii) Business arising out of minutes.
  - (iv) Reports.
  - (v) Correspondence.
  - (vi) Motions of which notice has been given.
  - (vii) General Business.
- (r) (i) The Committee can arrive at any decision within its powers by vote or meeting conducted by telephone or teleconference.
- (ii) Any such vote shall have the same affect as any other vote or resolution of the Committee.
- (iii) Twenty four hours notice of any such vote or meeting shall be given.
- (iv) If possible, notification of the agenda for such vote or meeting by lettergram, telex, facsimile transmission or other means but failure to provide such agenda will not invalidate or otherwise affect such vote or meeting.
- (s) The quorum for all Committee meetings shall be:
- (i) Two for a Committee of not more than four members;
  - (ii) Three for a Committee of more than four members and not more than 20 members;
  - (iii) Five for a Committee of more than 20 members.

Should a quorum not be present at a Committee Meeting within thirty minutes of the time appointed for the commencement of the meeting it shall lapse.

## **SUB-GROUPS AND SPECIAL INTEREST GROUPS**

- (t) Sub-Groups may be formed with the approval of the Association's Executive on a geographical or other basis.

If Sub-Groups are entitled to elect representatives to the Committee then every member must be included in a Sub-Group and their constitution must be specified in the Charter.

- (u) Special Interest Groups may be formed on a continuing basis or for a specified period.
- (v) Sub-Groups and Special Interest Groups shall function in accordance with decisions of the Committee and shall be subject to the decisions of Central

Council, Executive and General Meetings and shall comply with any directions given to it by the Executive or Central Council.

All matters raised by Sub-Groups or Special Interest Groups must be referred to the Committee of the Groups before any action is taken on them.

## **MEETING PROCEDURES**

- (w) The minutes of every meeting of the Group or Committee, other than the Annual General Meeting, shall be confirmed at the next ordinary meeting of the Group or Committee.

In the absence from any meeting of any member entitled to preside at the expiry of fifteen minutes from the time appointed for commencement the meeting shall elect a chairperson from among its members.

No member shall exercise more than one deliberative vote at any meeting nor shall voting by proxy be permitted.

All questions shall be decided by a majority of votes but should there be an equality of votes on any question, the Chairperson shall have a casting vote in addition to their deliberative vote.

All meetings shall be conducted in accordance with the Rules and By-Laws of the Association.

NOTE: This paragraph includes the provisions of Rules 136,137 and 138.

## **CONTACT WITH THE ASSOCIATION**

- (x) Resolutions carried by the Group, other than those relating only to its internal procedures, shall be forwarded in writing to the General Secretary of the Association.

- (y) If the Annual General Meeting has not been held within the period allowed, or if the General Secretary has not within one month of that date received the minutes or other advice of the holding of the Annual General Meeting and the election of Committee members then all the positions of Committee Member shall become vacant and the group shall be inoperative until the advice is received. The General Secretary shall maintain a list of the former committee members as contact persons.

If a Group has been inoperative for at least twelve months or its membership has fallen below twenty-five the General Secretary shall report the fact to the Association's Executive which shall take action to either revive or dissolve the Group.

- (z) Any proposed recommendations from the Group for any alterations to the Charter shall be considered at an Annual General Meeting of the Group or at a Special General Meeting called for that purpose. Fourteen days notice of the

proposal shall be lodged with the Secretary in writing in either case. Any such proposals shall be included in the notice of the meeting."

# BY-LAWS OF THE PUBLIC SERVICE ASSOCIATION OF NSW

As at December 11, 1995

## Chapter G

### Women's Council

In pursuance of the powers conferred on it by Rule 33 the Central Council of the Public Service Association of New South Wales hereby approves the following By-Laws prescribed by the Women's Council:

1. (a) This By-law shall apply to the Women's Council of the PSA of NSW formed under Rule 32.
- (b) All women members of the Association are members of the Women's Council.
- (c) The function of the Women's Council shall be to watch the interests of the Association's women members and to consider any question which affects women members.

It shall be competent for the Women's Council to discuss salary matters in order that their attitude, as a body, may be known. The Women's Council and the Women's Council Committee shall not exercise any functions of management of the Association, as defined in Rule 151(d).

2. Members who are on Leave Without Pay for a period in excess of three months and are paying a reduced rate of subscription in accordance with Rule 13 shall be entitled to receive information and notices through the Council but not to hold any position in the Council, to attend or vote at any meeting or to nominate or be nominated or vote in any election or ballot.

Unfinancial members shall not be entitled to hold any position, attend or vote at any meeting, nominated or be nominated or vote in any election or ballot or receive any of the rights and benefits of membership in the Council.

NOTE: The provisions of this paragraph limiting the rights of certain members are drawn from Association Rules 13 and 20.

3. **General Meetings**

- (a) The Annual General Meeting of Women's Council shall be held in September.

The order of business at the Annual General Meeting shall be:

- (i) Apologies

- (ii) Confirmation of previous Annual General Meeting minutes
  - (iii) Report on behalf of the Committee
  - (iv) Conduct of any necessary elections including the appointment of a Returning Officer to conduct the elections
  - (v) Correspondence
  - (vi) Reports
  - (vii) Motions of which notice has been given
  - (viii) General Business
- (b) Ordinary General Meetings of the Women's Council shall be held whenever thought necessary by the Committee or called by the Association's President.

The order of business for every Ordinary General Meeting shall be:

- (i) Apologies
  - (ii) Confirmation of Minutes
  - (iii) Business arising out of minutes
  - (iv) Reports
  - (v) Correspondence
  - (vi) Motion of which notice has been given
  - (vii) General Business
- (c) A Special General Meeting of the Women's Council Committee shall be convened by the Secretary on receipt of a requisition stating the reason for the meeting or of a direction of the Association's President. A requisition must be signed by enough financial members to constitute a quorum at a Special General Meeting.

The meeting shall be held within 21 days of the requisition being received.

The notice of the meeting must quote the reason given in the requisition and the order of business will be:

- (i) Apologies
  - (ii) Discussion of the matter referred to in the requisition
- (d) The date, time and place of any General Meeting may be fixed by the Committee, or in the absence of a Committee decision may be fixed by the Chairwoman and Secretary.

### **Notice of General Meetings**

- (e) Notice of a General Meeting and of the business to be transacted there at shall be furnished as soon as practicable to the General Secretary for publication as provided by these By-laws.
- (f) At least 28 days notice shall be given of the Annual General Meeting;

At least seven days notice shall be given of an Ordinary or Special General Meeting.

- (g) Notice of every General Meeting may be given by:
  - (i) advertisement in Red Tape; or
  - (ii) circular posted to all women members; or
  - (iii) advertisement in at least one Sydney metropolitan daily, and by circular to or notice in an Association publication circulated to Secretaries of Advisory and Workplace Groups.

A copy of each notice of a General Meeting shall be posted to each member of the Committee at their last known address at least 7 days prior to the meeting.

- (h) An Ordinary or Special General Meeting may be reconvened at not less than twenty-four hours notice to consider reports and recommendations relating to the matters dealt with. The decision to reconvene a Meeting may be made by the Meeting, the Committee or the Association's Executive.
- (i) Any General Meeting may be held in the form of meetings in a number of locations determined by the Committee. A common vote may be taken on any motion included in the notice of meeting or on any other motion communicated to each meeting by letter gram, telex, facsimile transmission or telephone before the vote is taken. The votes cast at each meeting location shall be tallied to determine the decision of the meeting.
- (j) The quorum for any General Meeting shall be fifteen.
- (k) Should a quorum not be present at General Meetings within thirty minutes of the time appointed for the commencement of the meeting it shall lapse except for the Annual General Meeting which shall stand adjourned until the same day and time in the next week.

#### **Business of General Meetings**

- (l) At Special General Meetings, no business shall be transacted other than that included in the notice of meeting.

Annual and Ordinary General Meetings, in addition to dealing with business included in the notice of meeting, may consider and adopt motions without notice as recommendations to the Women's Council Committee.

#### **4. Organisation**

Subject to the control of women members at a General Meeting assembled, the affairs of the Women's Council shall be conducted by a Women's Council Committee.

The Women's Council Committee shall exercise all the powers specially conferred on it by the Association's Rules and these By-laws, and may exercise all such powers and do all such acts and things as may be done by the Women's Council and as are not hereby required to be exercised or done by the members of the Women's Council in General Meeting assembled, and in addition shall, subject to the decisions of General Meetings, be the governing body of the Council.

The Women's Council Steering Committee shall exercise all the powers specifically conferred on it under these By-laws, and may exercise all such powers, and do all such acts and things as may be done by the Council and as are not hereby required to be exercised or done by the Women's Council Committee, or by the members of the Council in General Meeting assembled, subject to the decisions of the Women's Council Committee, and of General Meetings.

## 5. **Women's Council Committee**

- (a) The Women's Council Committee shall consist of:
- i) Members elected by financial women members in the manner provided in these By-laws.
  - ii) Women members of the Executive or Central Council who shall be ex- officio members of the said Women's Council Committee.
- (b) Women members will be grouped into electorates in accordance with the following:

The electorates shall be determined by the Executive after consideration of any recommendations of the Women's Council Committee. The Executive and Women's Council Committee, in determining the electorates, shall have regard to the following principles:

- (i) all women employed in a Public Service Department will be in the same electorate;
- (ii) all women employed by an employing authority other than the Public Service will be in the same electorate;
- (iii) all women employed in Departments or Authorities performing similar functions or operating under similar circumstances will be grouped together;
- (iv) historical context and continuity should be maintained;
- (v) Departments and Authorities within the same ministerial portfolio should be grouped together.

The 1996 electorates determined by the Executive shall be taken as a good example of the application of these principles.

- (c) (i) No electorate may have less than 150 members.
- (ii) The number of delegates for each electorate shall be as follows:

Number of Financial Members	Number of Delegates
up to 350	1
351-700	2
701-1050	3
1051-1750	4
1751-2500	5
2501-3250	6
3251-4000	7
4001-5000	8
5001-6000	9
6001 or more	10

- (d) The method of voting shall be that provided in Schedule 2 attached Preferential Voting. Such elections will be conducted by the Association's Returning Officer, and shall be in accordance with Association Rules 81 to 84 inclusive, 85(a), 86 to 90 inclusive and 93 to 100 inclusive or their successors governing the conduct of elections within the Association.
- (e) Additional electorates may be determined at any time by the Executive after consideration of any recommendations of the Women's Council Committee in order to provide representation for new departments or employers.

Where the number of members in an electorate has grown to such an extent that the electorate would be entitled to elect one or more additional delegates the Executive may approve the election of further delegates, on advice from the Women's Council Steering Committee.

Where the number of members in an electorate has declined it shall not be necessary for any delegate to vacate their position, but any vacancies from an electorate will not be filled unless the number of continuing delegates is less than the number to which it would be entitled under the formula in the By-laws.

- (f) In the year of an election of Women's Councillors, the General Secretary shall report to the Women's Council Committee and the Executive on the number and disposition of financial women members as at 31 December of the year proceeding in sufficient time to enable the Executive to make any decision required under this By-law, not later than 31 March.
- (g) Elections for the members of the Women's Council Committee shall be held every 2 years and such elections will be held by 31 October of the Election year.

## 6. Meetings of Women's Council Committee

- (a) Ordinary Meetings of the Committee shall be held whenever thought necessary by the Committee, the Steering Committee or called by the Association's President.

The Committee shall meet a minimum of nine times a year on a funded basis. Approval from the Association's General Secretary is required for funding of additional meetings, or in accordance with PSA Rules.

The order of business for every Ordinary Meeting shall be:

- (i) Apologies.
  - (ii) Confirmation of Minutes.
  - (iii) Business arising out of minutes.
  - (iv) Reports.
  - (v) Correspondence.
  - (vi) Motions of which notice has been given.
  - (vii) General Business.
- (b) At the first meeting following the taking of office of the newly elected Women's Council Committee the Order of Business shall include the conduct of any necessary elections including the appointment of a Returning Officer to conduct the elections.
- (c) A Special Meeting of the Committee shall be convened by the Secretary on receipt of a requisition stating the reason for the meeting or of a direction of the Association's President. A requisition must be signed by enough members of the committee to constitute a quorum at a Special Meeting.

The meeting shall be held within 21 days of the requisition being received.

The notice of the meeting must quote the reason given in the requisition and the order of business will be:

- (i) Apologies.
  - (ii) Discussion of the matter referred to in the requisition.
- (d) Notice of any Meeting may be given by circular posted to all members; at least seven days notice shall be given of an Ordinary or Special Meeting.

An Ordinary or Special Meeting may be reconvened at not less than twenty-four hours notice to consider reports and recommendations relating to the matters dealt with. The decision to reconvene a Meeting may be made by the Meeting, the Steering Committee or the Association's Executive.

- (e) (i) The Committee can arrive at any decision within its powers by vote or meeting conducted by telephone or teleconference.
- (ii) Any such vote shall have the same affect as any other vote or resolution of the Committee.
- (iii) Twenty four hours notice of any such vote or meeting shall be given.
- (iv) If possible, notification of the agenda for such vote or meeting by lettergram, telex, facsimile transmission or other means but failure to provide such agenda will not invalidate or otherwise affect such vote or meeting.
- (f) The quorum for the Committee shall be five.

Should a quorum not be present at Meetings within thirty minutes of the time appointed for the commencement of the meeting it shall lapse except for the Annual Meeting which shall stand adjourned until the same day and time in the next week.

## 7. **Women's Council Steering Committee**

The Women's Council Steering Committee shall consist of:

The Chairwoman  
The Vice Chairwoman  
The Honorary Secretary  
The Assistant Secretary

Such other Steering Committee members, not exceeding 4 in number, as the Women's Council Committee may from time to time decide who shall be elected from members of the Committee elected under By-law 5(a)(i).

The quorum for all Steering Committee meetings shall be:

- (i) Two for a Steering Committee of not more than four members;
- (ii) Three for a Steering Committee of more than four members.

Should a quorum not be present at a Committee Meeting within thirty minutes of the time appointed for the commencement of the meeting it shall lapse.

## 8. **Meetings of Women's Council Steering Committee**

The Women's Council Steering Committee shall meet at least once in each period between meetings of the Women's Council Committee and at such other times as are deemed expedient by the Chairwoman.

Meetings of the Women's Council Steering Committee may be conducted by telephone or teleconference.

9. **Workplace Meetings**

Workplace meetings shall be called by the Honorary Secretary on receipt by her of a requisition in writing stating the objects of the meeting signed by no less than 5 women members from the workplace at which the meeting is to be held. The date, time and place shall be fixed by the Honorary Secretary in consultation with the aforementioned members. Notice of such meetings shall be distributed by circular to all women members at the workplace at which the meeting is to be held at least 7 days prior to the meeting.

10. **Elections**

At the first meeting following the taking of office of the newly elected Women's Council Committee, the Committee shall elect, from amongst its members elected under By-law 5(a)(i):

A Chairwoman  
A Vice-Chairwoman  
An Honorary Secretary  
An Assistant Secretary  
Such other Steering Committee members, not exceeding 4 in number, as the Women's Council Committee may from time to time decide.

Elections for the members of the Steering Committee shall be held every two years and such elections will be held by 31 October of the election year.

11. **Term of Office**

Except as otherwise provided by the Rules of the Association, the members of the Women's Council Committee and Women's Council Steering Committee shall hold their position until the election of their successors, but any such position shall be vacated by the member:

- i) resigning the position by notice in writing
- ii) dying or becoming of unsound mind
- iii) ceasing to be a financial member
- iv) ceasing to be a member of the electorate or electoral group from which they were elected
- vi) absence from 3 consecutive meetings of the Committee without leave of absence
- vii) if an ex officio member, by vacating that office

12. **Vacancies and Absences**

When a member of the Women's Council Committee has been given leave of absence for a period of not less than one month or has vacated their position, an acting member of the Committee shall assume the position or may be appointed for the duration of such leave or until the vacancy is filled, who shall, for the period of their appointment, have all the rights, duties and privileges of the position in which they act.

Such an appointment may be made, of a woman member eligible for election from the same electorate or electoral group, by the member of the Women's Council Committee, unless she has ceased to be a member of the Association.

In the event of a vacancy in a position of member of the Women's Council Committee, letters shall be sent to Secretaries of Departmental Committees contained within the electorate or electoral group, advising of the vacancy and seeking nominations from women members within the electorate or electoral group. Where more nominations are received than are required to fill the vacancy, the Committee will determine the replacement for the remainder of the term.

Where a member of the Women's Council Steering Committee seeks leave of absence for a period of not less than one month or vacates her position, the Women's Council Committee shall appoint an acting member or elect a replacement from amongst those members of the Women's Council Committee eligible to stand for the position.

Where the Council has any right of nomination or appointment in relation to the filling of vacancies or the appointment of members or acting members of Committees not exercising functions of management and including persons who are not Central Councillors, or in relation to delegates to the Labor Council of NSW or regional Labor Councils the right may be exercised by the Committee..

**13. Duties of Members of the Steering Committee**

**(a) Chairwoman:**

The Chairwoman shall preside at all meetings of the Committee and Steering Committee. The Chairwoman shall also be ex officio member of all committees of the Council.

Subject to any directions of the Executive or Central Council or the Steering Committee or Committee the Chairwoman shall interpret these By-Laws and shall determine any matter where the By-Laws are silent, in accordance with the Rules and By-Laws of the Association.

**(b) Vice Chairwoman:**

The Vice Chairwoman shall exercise the powers and perform the duties of the Chairwoman in the absence of the Chairwoman.

The Vice Chairwoman shall advise and assist the Chairwoman in the performance of her duties.

**(c) Secretary:**

The Secretary shall perform all duties usually connected with such office under the direction of the Committee and in conformity with these By-Laws.

The Secretary shall forward to the General Secretary copies of the Annual Report of the Council, Notices and Minutes of all General and Committee Meetings.

(d) Assistant Secretary:

An Assistant Secretary shall assist the Secretary in the performance of their duties.

(e) Committee members:

All Committee members shall assist in the operation of the Council, ensure as far as possible that the members by whom they are elected are kept informed of matters affecting the Council and the Association and shall bring the concerns of those members to the notice of the Committee.

#### 14. Meeting Procedures

In the absence from any meeting of any member entitled to preside at the expiry of fifteen minutes from the time appointed for commencement the meeting shall elect a chairperson from among its members.

No member shall exercise more than one deliberative vote at any meeting nor shall voting by proxy be permitted.

All questions shall be decided by a majority of votes but should there be an equality of votes on any question, the Chairperson shall have a casting vote in addition to their deliberative vote.

All meetings shall be conducted in accordance with the Rules and By-Laws of the Association.

NOTE: This paragraph includes the provisions of Rules 136,137 and 138.

#### 15. Interpretation of By-Laws and Rules

Subject to any directions of the Executive or Central Council, the Chairwoman shall interpret these By-laws and shall determine any matter where the By-law is silent, in accordance with the Rules and By-laws of the PSA.

#### 16. Amendment of By-Laws:

These By-Laws may be amended or rescinded or new By-Laws made by resolution of a General Meeting of Women's Council which is carried by a two-thirds majority of those present and voting. Such a resolution shall not

become operative unless and until approved by the Central Council of the PSA.

Any proposed recommendations from within the Council for any alterations to the By-laws shall be considered at an Annual General Meeting of the Women's Council or at a Special General Meeting called for that purpose. Fourteen days notice of the proposal shall be lodged with the Honorary Secretary in writing in either case. Any such proposals shall be included in the notice of the meeting.

## **28. By-Laws to be Certified**

Any amendments to these By-Laws shall be forwarded by the Honorary Secretary of Women's Council to the General Secretary for submission to Central Council for approval and incorporation into the Association's By-Laws. If no amendments to the By-Laws are adopted at an Annual General Meeting, the Honorary Secretary shall forward to the General Secretary written advice of that fact.

Any amendment to these By-Laws proposed by any PSA body or Officer, other than the Women's Council Committee, shall be referred to the Women's Council Committee for their consideration. Women's Council Committee's response shall be notified to Central Council within three months of the Honorary Secretary of the Women's Council being in receipt of the amendments.

After approval by Central Council of any amendments or after receipt of advice that no amendments were adopted at an Annual General Meeting, the General Secretary shall produce copies of these By-Laws as they then stand, initialled and dated on each page by the General Secretary, and shall forward copies to the Chairwoman and Honorary Secretary of Women's Council and shall hold at least two copies at the registered office of the Association.

No member or officer of the Association shall issue any document purporting to be the By-Laws governing the operation of Women's Council which is not a duplicate of the current copies held by the General Secretary.

## **SCHEDULE 2 — PREFERENTIAL VOTING**

In any election conducted in accordance with this Schedule the following provisions shall apply:

1. A voter shall record their vote for at least the number of candidates to be elected by placing the number "1" and if necessary then numbers "2", "3", "4" and so on consecutively in the squares opposite the names of candidates in the order of the voter's preference for them.

A voter may, if the voter so desires, vote for additional candidates by placing further consecutive numbers in the squares opposite their names in the order of the voter's preferences.

2. At the close of the poll the Returning Officer shall ascertain the total number of first preference votes recorded for each candidate on all ballot papers not rejected by Returning Officer as informal.

If a candidate has a majority of the first preference votes, the Returning Officer shall declare that candidate elected.

3. If no candidate is elected under clause 2 the Returning Officer shall make a second count.

On the second count, the candidate who has the fewest first preference votes shall be excluded, and each of the candidate's ballot papers that is not exhausted shall be transferred to the candidate next in the order of the voter's preference and counted to that candidate as a vote.

If, on the second count, a candidate has a majority of the votes remaining in the count, the Returning Officer shall declare that candidate elected.

4. If, on the second count, no candidate has a majority of the votes remaining in the count, the process of excluding the candidate who has the fewest votes, transferring each of the candidate's ballot papers that is not exhausted to the continuing candidate next in the order of the voter's preference and counting it to that candidate as a vote shall be repeated by the Returning Officer until one candidate has a majority of the votes remaining in the count.

The Returning Officer shall declare elected the candidate who has a majority of the votes remaining in the count.

5. If more than one candidate is to be elected a further count shall be made among all candidates not yet elected as provided in clauses 2, 3 and 4, provided that each ballot paper on which a first preference for a candidate already elected is recorded shall be counted as a first preference vote for the continuing candidate highest in the order of the voter's preference.

This process shall be repeated until the required number of candidates has been elected.

6. Where, on any count at which the candidate with the fewest number of votes has to be excluded, 2 or more candidates have an equal number of votes (that number being fewer than the number of votes that any other candidate has or those candidates being the only continuing candidates):

- (a) such one of those candidates as had the fewest number of votes at the last count at which they did not have an equal number of votes shall be excluded; or

- (b) if they had an equal number of votes at all preceding counts, the Returning Officer shall determine by lot which candidate shall be excluded.

If after such exclusion there is only one continuing candidate, the Returning Officer shall declare that candidate elected.

7. A ballot paper on which the voter has recorded the required minimum number of votes shall not be treated as informal by reason only that:
  - (a) the same preference (other than the voter's first preference) has been recorded on the ballot paper for more than one candidate, but the ballot paper shall be treated as if those preferences and any subsequent preferences had not been recorded on the ballot paper, or
  - (b) there is a break in the order of the voter's preferences, but the ballot paper shall be treated as if any subsequent preference had not been recorded on the ballot paper.
8. A reference in this Schedule to an exhausted ballot paper is a reference to a ballot paper on which there is not recorded a vote for a continuing candidate.